

Presentment Date and Time: April 13, 2017 at 12:00 Noon (prevailing Eastern Time)

Deadline for Objections: April 13, 2017 at 9:00 a.m. (prevailing Eastern Time)

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Adam C. Rogoff

P. Bradley O'Neill

Anupama Yerramalli

1177 Avenue of the Americas

New York, New York 10036

Telephone: (212) 715-9100

Facsimile: (212) 715-8000

Counsel for Post-Effective Date SVCMC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
In re:	:	Chapter 11
	:	
SAINT VINCENTS CATHOLIC MEDICAL	:	Case No. 10-11963 (CGM)
CENTERS OF NEW YORK, <u>et al.</u> ,	:	
	:	
Debtors.	:	Jointly Administered
-----	X	

NOTICE OF PRESENTMENT OF STIPULATION AND ORDER

PLEASE TAKE NOTICE that Saint Vincents Catholic Medical Centers of New York ("**SVCMC**") and certain of its affiliates, as Chapter 11 debtors and debtors in possession (each a "**Debtor**" or the "**Debtors**")¹ in the above-referenced Chapter 11 cases (the "**Chapter 11 Cases**"), will present to the Honorable Cecelia G. Morris, Chief United States Bankruptcy Judge, for signature on **April 13, 2017 at 12:00 Noon** (prevailing Eastern Time) the Stipulation and Order annexed hereto as Exhibit A.

¹ In addition to SVC MC, the Debtors are as follows: (i) 555 6th Avenue Apartment Operating Corporation; (ii) Bishop Francis J. Mugavero Center for Geriatric Care, Inc.; (iii) Chait Housing Development Corporation; (iv) Fort Place Housing Corporation; (v) Pax Christi Hospice, Inc.; (vi) Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann's Health Care & Rehabilitation Center; (vii) St. Jerome's Health Services Corporation d/b/a Holy Family Home; and (viii) SVC MC Professional Registry, Inc. There are certain affiliates of SVC MC who are not Debtors.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the proposed order must be made in writing and received in the Bankruptcy Judge's chambers and by the undersigned not later than 9:00 a.m. (prevailing Eastern Time) on April 13, 2017. Unless objections are received by that time, the order may be signed.

Dated: New York, New York
April 3, 2017

KRAMER LEVIN NAFTALIS & FRANKEL LLP

/s/ P. Bradley O'Neill
Adam C. Rogoff
P. Bradley O'Neill
Anupama Yerramalli
1177 Avenue of the Americas
New York, New York 10036
Telephone: (212) 715-9100

Counsel for Post-Effective Date SVCMC

To: Parties listed on the Special Service as those terms are defined in the Final Case Management Order

EXHIBIT A

(Susan MacBride and Kenneth MacBride)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
In re:	:	Chapter 11
	:	
SAINT VINCENTS CATHOLIC MEDICAL	:	Case No. 10-11963 (CGM)
CENTERS OF NEW YORK, <u>et al.</u> ,	:	
	:	Jointly Administered
Debtors.	:	
-----	X	

STIPULATION AND ORDER
(Susan MacBride and Kenneth MacBride)

WHEREAS, on April 14, 2010, the Debtors filed voluntary petitions for relief (the “Second Bankruptcy Case”) under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”);

WHEREAS, SVCMC previously filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code on July 5, 2005 (the “First Bankruptcy Case”);

WHEREAS, on July 27, 2007, the Bankruptcy Court in the First Bankruptcy Case confirmed the First Amended Plan of Reorganization for Saint Vincents Catholic Medical Centers of New York D/B/A Saint Vincent Catholic Medical Centers, and Chapter 11 Plans of Liquidation for Medical Service of St. Vincent’s Hospital and Medical Center, P.C., Surgical Service of St. Vincent’s, P.C., CMC Cardiology Services P.C., CMC Physician Services, P.C. and CMC Radiological Services) (the “SV1 Plan”), which established medical malpractice trusts for certain medical malpractice claims asserted in the First Bankruptcy Case pursuant to MedMal Trust Agreements (as defined in the SV1 Plan);

WHEREAS, on June 29, 2012, the Bankruptcy Court in the Second Bankruptcy Case entered an order approving the Debtors’ Second Amended Joint

Chapter 11 Plan, dated June 21, 2012, [Docket No. 3060] (the “Plan”) and the Plan effective date (the “Effective Date”) occurred;

WHEREAS, pursuant to the Plan, the Debtors entered into amendments to the MedMal Trust Agreements, and the MedMal Trusts Monitor (as defined in the Plan) retained the sole and exclusive authority to reconcile and resolve SV1 MedMal Claims (as defined in the Plan) in accordance with the SV1 Plan;

WHEREAS, Susan MacBride and Kenneth MacBride (“Claimants”), have requested a modification of the automatic stay imposed by 11 U.S.C. § 362(a) with respect to the action entitled *Susan MacBride and Kenneth MacBride v. St. Vincents Catholic Medical Centers, Fredrick Helbig, M.D., and Keteline Antoine, R.N.*, currently pending in the Supreme Court of the State of New York, Kings County (Index No. 33971/2005) (the “Action”);

NOW, THEREFORE, IT IS HEREBY STIPULATED, AND AGREED, by and between the parties through their undersigned counsel, that:

1. The automatic stay imposed by Bankruptcy Code section 362(a) and the injunction imposed by the Order Confirming Debtors’ Second Amended Joint Chapter 11 Plan (also set forth in sections 11.3 and 11.5 of the Plan) (collectively, the “Stay”) are hereby modified to permit adjudication of the Action through final judgment and enforcement thereof, subject to the satisfaction of the conditions contained in paragraphs 2 through 6 hereof.

2. Claimants have agreed to waive and hereby waives and releases any claim they may have against the following as defined in the Plan: (a) the estate of any Debtor in these Chapter 11 proceedings, (b) the Post-Effective Date SVC MC, (c) the

Responsible Officer, (d) the Liquidating Trustee, (e) the Liquidating Trust¹, (f) the applicable MedMal Trust, (g) the MedMal Trust Monitor, (h) the MedMal Trustee² and (a) – (h)'s respective current and former officers, directors, employees, agents, and professionals, and agree that any recovery related to the Action shall be limited solely to the proceeds from SVCMC's third-party insurance coverage. Claimants agree not to seek to recover any damages from SVCMC above the limits of the SVCMC's third party insurance coverage.

3. Any and all proofs of claim filed by the Claimants during the course of these Chapter 11 case are hereby deemed disallowed and expunged.

4. In the event that any of the Debtors' estates shall be called upon to bear any costs of defending the Action, including attorneys' fees, the modification of the Stay provided for in this order shall terminate automatically without further order of this Court. Such termination shall be without prejudice to Claimants' rights to renew their application for relief from or modification of the Stay.

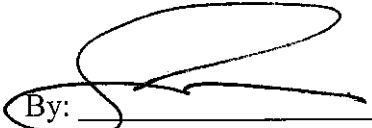
5. Other than as set forth herein, the Stay shall remain in full force and shall not be modified. Without limitation of the foregoing, the Stay shall remain in full force with respect to any third party actions that may be or that might otherwise have been asserted against any Debtor in connection with the Action.

¹ The terms set forth in (b) – (e) have the meaning ascribed to them in the Plan.

² The terms set forth in (f) – (h) have the meaning ascribed to them in the SV1 Plan.

6. The Court shall retain jurisdiction to resolve all matters relating to
the implementation of this Stipulation and Order.

HOLIHAN & ASSOCIATES, P.C.

By: 
Steven Holihan, Esq.
135-24 Hillside Ave
Richmond Hill New York 11418

Attorney for Claimants

COOLEY LLP

By: _____
Richard S. Kanowitz, Esq.
1114 Avenue of the Americas
New York, New York 10036

Attorneys for the MedMal Trust Monitor

KRAMER LEVIN NAFTALIS &
FRANKEL LLP

By: _____
P. Bradley O'Neill, Esq.
1177 Avenue of the Americas
New York, New York 10036

Attorneys for SVCMC

AKIN GUMP STRAUSS HAUER & FELD
LLP

By: _____
Sarah Link Schultz (admitted *pro hac vice*)
One Bryant Park
New York, New York, 10036

Attorneys for the Liquidating Trustee

Dated: New York, New York
_____, 2016

SO ORDERED:


THE HONORABLE CECILIA G. MORRIS
CHIEF UNITED STATES BANKRUPTCY JUDGE

6. The Court shall retain jurisdiction to resolve all matters relating to
the implementation of this Stipulation and Order.

HOLIHAN & ASSOCIATES, P.C.

KRAMER LEVIN NAFTALIS &
FRANKEL LLP

By: _____
Steven Holihan, Esq.
135-24 Hillside Ave
Richmond Hill New York 11418

By:  _____
P. Bradley O'Neill, Esq.
1177 Avenue of the Americas
New York, New York 10036

Attorney for Claimants

Attorneys for SVCMC

COOLEY LLP

AKIN GUMP STRAUSS HAUER & FELD
LLP

By: /s/ Richard S. Kanowitz (w/ permission)
Richard S. Kanowitz, Esq.
1114 Avenue of the Americas
New York, New York 10036

By: /s/ Sarah Link Schultz (w/ permission)
Sarah Link Schultz (admitted *pro hac vice*)
One Bryant Park
New York, New York, 10036

Attorneys for the MedMal Trust Monitor

Attorneys for the Liquidating Trustee

Dated: New York, New York
_____, 2016

SO ORDERED:

THE HONORABLE CECILIA G. MORRIS
CHIEF UNITED STATES BANKRUPTCY JUDGE